

LABOUR & EMPLOYMENT DEPARTMENT

The 1st May, 1973

No. 4146-7Lab-73/17207.—The Governor of Haryana is pleased to promote the under-mentioned District Employment Officers to the posts of Sub-Regional Employment Officers in the scale of Rs. 350—25—550/30—590/30—830/35—900 and post them as indicated against their names :—

Serial No.	Name of Officer	Promoted and posted as	With effect from	Remarks
1	Shri D. S. Saini	Sub-Regional Employment Officer, Ambala	30th May, 1972 (forenoon)	<i>Pro forma</i> promotion from 24th February, 1972 to 30th May, 1972
2	Shri S. S. Chadha	Sub-Regional Employment Officer, University Employment Information and Guidance Bureau Chandigarh (on deputation)	30th May, 1972 (forenoon)	
3	Shri B. S. Tej	Sub-Regional Employment Officer, Rohtak (now sub-Regional Employment Officer, University Employment Information and Guidance Bureau, Kurukshetra)	24th February, 1972 (forenoon)	He was initially promoted and posted as Sub-Regional Employment Officer, Ambala, with effect from 24th February, 1972
4	Shri Om Parkash Sharma	Professional and Executive Employment Officer, Haryana, Chandigarh	30th May, 1972	

S. N. BHANOT, Commr & Secy.

LABOUR DEPARTMENT

The 15th May, 1973

No. 5008-4 Lab-73/19265.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Karnal Cooperative Transport Society Ltd., Karnal:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 61 of 1963

between

THE WORKMEN AND THE MANAGEMENT OF M/S KARNAL COOPERATIVE
TRANSPORT SOCIETY LTD., KARNAL

Present:

Shri Madhu Sudan Saran Cowshish for the workman.

Shri M. L. Saini along with Sarvshri Indar Singh, Gurinder Pal Singh and Harbans Singh for the management

AWARD

The following disputes between the management of M/s Karnal Cooperative Transport Society Ltd. Karnal and its workmen were referred for adjudication to this Tribunal by the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the termination of services of Shri Babu Ram Conductor is justified and in order? If not, to what relief he is entitled?
2. Whether the action of the management in promoting Sarvshri Rajinder Pal Singh and Joginder Singh as Chief Inspector is justified? If not, who should be promoted as Chief Inspector, from what date and with what details?

After hearing the parties the award in the case was made on 25th February, 1965 whereby the reference was answered in favour of the workmen on both the demands covered by the term of reference. Feeling aggrieved the management challenged the award through Writ Petition No. WCW. 2884 of 1965 with regard to the findings on term No. 1 of the reference alone. Hon'ble the High Court was pleased to accept the Writ Petition and remand the case for fresh decision,—vide order No. W.C.W. 2284/65/Misc./dated 17th September, 1971.

After the remand of the case it was urged on behalf of the management that the original Transport Society had been split into three parts, namely, the Karnal Cooperative Transport Society Ltd., Karnal, the New Karnal Cooperative Transport Society Ltd., Karnal and Karnal Delhi Cooperative Transport Society Ltd., Karnal. Notice of the reference was, therefore, given to the other two societies and they have also contested the claim of Shri Babu Ram workman concerned.

It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties. Their statements have been recorded. The managements of all the three parts, namely, The Karnal Cooperative Transport Society Ltd., Karnal, The New Karnal Cooperative Transport Society Ltd., Karnal, and Karnal Delhi Cooperative Transport Society Ltd., Karnal, have agreed to pay Rs. 1,500 in all to the workmen by 21st June, 1973 in full and final settlement of his entire claims and he has foregone his right of reinstatement or re-employment. The award is accordingly made and the managements of all the three societies referred to above are directed to pay to Shri Babu Ram workman concerned Rs. 1,500 by 21st June, 1973 in full and final settlement of his entire claims. In the circumstances, there shall be no order as to costs.

Dated 30th April, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 469, dated 30th April, 1973

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 30th April, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4799-4Lab-73/19268.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and management of M/s Jagat Metal Works, Jagadhri:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROTHAK

Reference No. 2 of 1973

between

SHRI CHHAJU RAM AND THE MANAGEMENT OF M/S JAGAT METAL WORKS,
JAGADHRI

Present:—

Nemo for the workman.

Shri Tilak Raj for the management.

AWARD

The management of M/s Jagat Metal Works, Jagadhri, terminated the services of its workman Shri Chhaju Ram. He raised a demand for reinstatement but without success. This gave rise to an industrial dispute.

The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the above dispute for adjudication to this court—vide order No. ID/Amb/251-B-72/566-70, dated 5th January, 1973, with the following term of reference:—

Whether the termination of services of Shri Chhaju Ram was justified and in order? If not, to what relief is he entitled?

Usual notices were given to the parties. Shri Chhaju Ram workman concerned has not appeared in spite of service nor his authorised representative. The management has pleaded settlement of the dispute and a memorandum of settlement has also been brought on record which is Ex. M. 1. Statement of the Proprietor Shri Tilak Raj has been recorded. According to him a sum of Rs 380 has been paid to this workman in full and final settlement of his entire claims against the management including his right of reinstatement or re-employment.

Taking into consideration the facts on record as stated above, I am satisfied that the dispute, the subject-matter of the present reference, has been settled between the parties and for that reason the workman has not come forward to pursue his claim himself or through authorised representative. The award is accordingly made in terms of the above settlement and it is held that Shri Chhaju Ram concerned workman is not entitled to any further relief by way of reinstatement or re-employment. There shall be no order as to costs.

Dated 2nd May, 1973.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1118, dated 2nd May, 1973.

Forwarded (four copies) to the Secretary to the Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4797-4 Lab-73/19270.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Accurex Optice Industries, Jagadhri.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 13 of 1972

between

SHRI SHAMSHER SINGH AND THE MANAGEMENT OF M/S ACCUREX OPTICE
INDUSTRIES, JAGADHRI

Present—

Shri Raghbir Singh, for the workman.

Shri R. L. Gupta and Shri B. P. Bansal, for management.

AWARD

The management of M/s Accurex Optice Industries, Jagadhri, dismissed from service of its workman Shri Shamsheer Singh with effect from 10th March, 1971. He raised a demand for his reinstatement with full back wages to which the management did not agree. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the above dispute for adjudication to this court by order No. ID/Amb/220-A-71/256, dated 5th January, 1972, with the following term of reference:—

Whether the termination of services of Shri Shamsher Singh was justified and in order? If not, to what relief is he entitled?

Usual notices were given to the parties. The workman filed his statement of claim reiterating his demand for reinstatement and back wages as earlier raised through the demand notice, dated 18th June, 1971, leading to the present reference. The management contested his claim mainly on the ground that he was guilty of misconduct in the discharge of his duties which had been established in a just and fair inquiry held against him and as such the management was perfectly justified in taking the impugned action of dismissal from service against him.

From the pleadings of the parties, the only issue that arose for determination in the case was as per the term of reference as stated above.

The management had relied upon the inquiry proceedings which have been produced in original and Shri Subhash Chander, advocate, the Inquiry Officer, has been examined as M. W. 1. According to him, the inquiry was held after due notice to Shri Shamsher Singh who had fully participated in the inquiry and he was given full opportunity to produce his defence which had been availed by him.

Shri Shamsher Singh concerned workman has not produced any evidence in the present reference, oral or documentary. He has not even come forward to make his own statement on oath.

I have heard arguments advanced on both sides and given a careful consideration to the facts on record. The charge-sheet dated 13th January, 1971, given by the management to this workman reads as under:—

"On having been reported that you are indulging in serious slow down and product and the lot of 285 goods entrusted to you on 29th December, 1970, having not been completed so far despite repeated verbal instructions and warnings of the Supervisor. Shri Ranjit Kumar Goel, partner went into the workshop at about 1745 hours and found that your machine was running idle and you were standing aside without doing any work. On being questioned as to why the machine was running and why you were standing idle, you misbehaved with the partner stating that it will go on like this and do whatever you like.

On his advice that in case you do not want to work, you should not waste the electricity and spoil the machine, you insisted to run the machine idle to cause loss to the factory.

When Shri Ranjit Kumar himself went to switch off the machine you pushed him back and he fell down on the ground and you started abusing and threatening him. Shri Suresh Kumar and Tara Chand joined with you in threatening the partner that in case he enters the workshop he will be having severe beatings and all of you stood around him. Noticing your hostile attitude, the supervisor intervened and took Shri Ranjit Kumar from amongst you to the office.

The above allegation against you constitutes serious misconduct, and you are called upon to explain within 48 hours as to why severe disciplinary action should not be taken against you.

Pending your explanation and further action you are hereby placed under suspension till further order."

The workman had denied the above allegations and his explanation is on the record. The management did not find the explanation to be satisfactory and appointed Shri Subhash Chander, Advocate, as the Inquiry Officer. The record of the inquiry proceedings produced in the case shows that Shri Shamsher Singh had fully participated in the inquiry and he also produced his defence for which due opportunity had been given to him. The findings of the Inquiry Officer, holding him guilty of the aforesaid charges are contained in his report dated the 10th March, 1973, Ex. M. W. 1/2. In view of the serious charges levelled against this workman which had been duly established in the inquiry, the management was within his rights to dispense with his services. There is nothing on the record to indicate that the inquiry had not been properly conducted or any principle of natural justice had been violated.

In view of the above, I do not find any ground whatever to interfere with the findings of the Inquiry Officer and the resultant order of dismissal from service passed against the present workman and the same is, therefore, held to be justified and in order. Shri Shamsher Singh is thus not entitled to any relief by way of reinstatement or payment of back wages. The award is made accordingly. There shall, however, be no order as to costs.

Dated 2nd May, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1119, dated 2nd May, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.